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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,684	02/08/2002	Rick E. Larson	21-1313	2091

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,684

Applicant(s)

LARSON, RICK E.

Examiner

William A Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 15-17 and 21-25 is/are allowed.
- 6) ☒ Claim(s) 7-10, 18-20, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is vague and indefinite. On lines 6-7, the phrase "the power supply to the lifting assembly" has no antecedent basis in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malzacher (U.S. Patent No. 4,588,142) in view of Pitman et al (U.S. Patent No. 5,486,084).

With respect to Claims 7-10, Malzacher, Figures 7-10, teaches a cable handling trailer system comprising: a trailer having a front end, a back end, and a pair of lateral sides; a lifting assembly 110 for lifting items into and off of the trailer, the lifting assembly being pivotally mounted on the trailer; and control means 158 for controlling the supply of power from the power supply to the lifting assembly, the control means including a housing for mounting at least one control thereon. Malzacher teaches all the elements of the cable handling system except for the housing being movably mounted on the trailer. It would have been obvious to one of ordinary skill in the art to provide Malzacher with a movably mounted housing, as taught by

Pitman et al, for the purpose of allowing the operator to face in any one of a number desired direction when operating the apparatus.

Claims 18-20 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al (U.S. Patent No. 4,148,445) in view of Pierce (U.S. Patent No. 4,796,826).

With respect to Claims 18-20 and 26-27, Reynolds et al, Figures 1-7, teach a cable handling system comprising a trailer L having a front end, a back end, and a pair of lateral sides; cable guiding means 52,80 comprising a guide structure (see Figure 7) having first and second rotatable members; and a boom structure. Pierce, Figures 1-19, teach a lifting assembly 50,54 being pivotally mounted on the trailer comprising an elongate pole and a pair of support arms. It would have been obvious to one of ordinary skill in the art to provide Reynolds et al with a lifting assembly, as taught by Pierce, for the purpose of facilitating the placement of the cable reels onto the vehicle.

### ***Response to Arguments***

Applicant's arguments with respect to claims 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed April 2<sup>nd</sup>, 2004 with respect to Claims 18-20 have been fully considered but they are not persuasive.

With respect to applicant's remarks on pages 15-16, it should be noted that the "elongate pole" is considered to be the spindle retaining the rear spool. This spindle is above in a transport position and behind the trailer in a retrieve position. As such, the claims as set forth, read on the combination of Reynolds et al in view of Pierce.

***Allowable Subject Matter***

Claims 1-6, 15-17, and 21-25 are allowed.

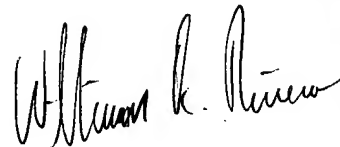
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 703-308-2684. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 703-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA  
PRIMARY EXAMINER**

June 28, 2004